

ANNUAL TOWN MEETING WARRANT

Town of Sheffield
Commonwealth of Massachusetts

Berkshire, ss

To the Constables of the Town of Sheffield in said County of Berkshire, *Greeting.*

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Sheffield, qualified to vote in Town affairs, to meet in the auditorium of the Mount Everett Regional High School, 491 Berkshire School Road in Sheffield on Monday, May 1, 2017 at 7:00 P.M. for the following purposes:

ARTICLE 1: To see if the Town will vote to raise and appropriate and/or transfer from available funds, such sums of money as listed below, and as may be amended, necessary to defray the expenses of the Town for Fiscal Year 2018, or take any other action relative thereto.

Moderator.....	\$ 200	Energy.....	\$137,500
Selectmen’s Office.....	\$178,459	Board of Health.....	\$ 43,572
Board of Assessors.....	\$ 96,054	Visiting Nurse Association.....	\$ 4,000
Treasurer/Collector.....	\$154,190	Council on Aging.....	\$ 89,418
Town Clerk.....	\$ 65,244	Veterans Benefits.....	\$ 37,000
Elections & Registration.....	\$ 13,000	Library.....	\$169,905
Conservation Commission.....	\$ 2,680	Historical Commission.....	\$ 750
Planning Board.....	\$ 5,400	Memorial Day.....	\$ 1,200
Commission on Disabilities.....	\$ 300	American Legion.....	\$ 500
Zoning Board of Appeals.....	\$ 1,330	Care of Soldier’s Graves.....	\$ 1,400
Town Buildings & Grounds.....	\$104,800	Ashley Falls Historic Dist. Comm.	\$ 50
Town Report & Communications	\$ 6,000	Agricultural Commission.....	\$ 1,000
Legal Services.....	\$ 30,000	Interest on Loans.....	\$ 1
Dispatch Services.....	\$ 9,693	Berkshire County Retirement.....	\$229,051
Police Department.....	\$466,210	Worker’s Compensation.....	\$ 18,500
Fire Department.....	\$ 43,300	Unemployment Comp. Fund.....	\$ 1
Inspectional Services.....	\$ 65,629	Group Health (32B) Insurance.....	\$446,000
Fire Hydrants.....	\$ 18,091	Employer Medicare.....	\$ 22,000
Animal Control.....	\$ 10,000	Financial Audit.....	\$ 15,000
Highway Department.....	\$594,522	Insurance & Bonding.....	\$ 71,000

ARTICLE 2: To see if the Town will vote to fix the compensation of the following elected officers of the Town for Fiscal Year 2018, as required by Chapter 41, Section 108 and Chapter 71, Section 52 of the General Laws; Moderator, \$200, Selectmen, Chairman \$2,563; Selectmen, two members at \$2,219 each, Southern Berkshire Regional School District School Committee, 4 members at \$500 each, or take any other action relative thereto.

ARTICLE 3: To see if the Town will vote to approve the Southern Berkshire Regional School District Operating and Transportation Budget for Fiscal Year 2018 and vote to raise and appropriate \$6,169,521 to pay the Town’s assessed share of that budget, or take any other action relative thereto.

ARTICLE 4: To see if the Town will vote to approve the Southern Berkshire Regional School District Capital Budget for Fiscal Year 2018 and vote to raise and appropriate \$409,191 to pay the Town’s assessed share of that budget, or take any other action relative thereto.

ARTICLE 5: To see if the Town will vote to raise and appropriate or transfer from available funds \$50,000 to pay for vocational education tuition in Fiscal Year 2018, or take any other action relative thereto.

ARTICLE 6: To see if the Town will vote to raise and appropriate and/or transfer from available funds \$126,600 for the disposal and management of solid waste, and to authorize the Board of Selectmen to take any action to effectuate the purpose of the article, including but not limited to entering into agreements in excess of three years for such solid waste disposal and management, or take any other action relative thereto.

ARTICLE 7: To see if the Town will vote to accept funds being provided by the Commonwealth of Massachusetts under the provisions of Chapter 90 of the General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges, or take any other action relative thereto.

ARTICLE 8: To see if the Town will vote to authorize the appointment of members of the Board of Selectmen to any office or position under its supervision at no additional compensation in accordance with the provisions of Chapter 268A, Section 21A of the General Laws, or take any other action relative thereto.

ARTICLE 9: To see if the Town will vote to authorize the Board of Health to employ any of its members as Title 5 and Perc Test Witnesses for Septic System Inspections, and Sanitation Inspections under its supervision in accordance with G.L. c. 268A, Section 21A for Fiscal Year 2018 and to set the salary for those positions at \$40 per Title V Inspections and \$30 per hour for Perc Tests in accordance with the provisions of G.L.c.41, Section 4A, or take any other action relative thereto.

ARTICLE 10: To see if the Town will vote to authorize the Treasurer/Collector to sell, with the approval of the Board of Selectmen, any parcel or parcels of real estate which have been or may be acquired through the foreclosure of tax title, or take any other action relative thereto.

ARTICLE 11: To see if the Town will vote to raise and appropriate or transfer from available funds \$21,053 to pay principal and interest on the bonded indebtedness authorized by Town Meeting vote of January 30, 1995, or take any other action relative thereto.

ARTICLE 12: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$77,000 to provide for extraordinary or unforeseen expenditures under the provisions of Chapter 40, Section 6 of the General Laws, known as the Reserve Fund, or take any other action relative thereto.

ARTICLE 13: To see if the Town will vote to raise and appropriate or transfer from available funds \$750 to the Emergency Response Fund, or take any other action relative thereto.

ARTICLE 14: To see if the Town will vote to raise and appropriate or transfer from available funds \$15,000 to compensate firefighters for training, or take any other action relative thereto.

ARTICLE 15: To see if the Town will vote to raise and appropriate or transfer from available funds \$10,000 for Tax Recertification, or take any other action relative thereto.

ARTICLE 16: To see if the Town will vote to raise and appropriate or transfer from available funds \$25,000 to purchase information technology hardware, software, and services, and to authorize the Board of Selectmen to take any action to effectuate the purpose of the article, including but not limited to entering into agreements in excess of three years for such information technology services, or take any other action relative thereto.

ARTICLE 17: To see if the Town will vote to raise and appropriate or transfer from available funds \$125,000 for Town building repairs, improvements, equipping and furnishings to include but not be limited to the Town Hall, Library, and Police Station, including any design and other costs and expenses incidental thereto, or take any other action relative thereto.

ARTICLE 18: To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to (1) establish the following revolving funds and fiscal year spending

limits as set forth below, and further (2) to amend the General By-laws by inserting a new by-law establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

Part 2, Chapter 211, Revolving Funds

§2-1. There are hereby established in the Town of Sheffield pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds, from which the specified department head, board, committee, or officer may incur liabilities against and spend monies from without appropriation in accordance with the limitations set forth in this by-law.

§2-2. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

§2-3. No liability shall be incurred in excess of the available balance of the fund.

§2-4. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting or any increase therein as may later be authorized by the Board of Selectmen and Finance Committee in accordance with G.L. c.44, §53E½.

§2-5. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the General Fund.

§2-6. Authorized Revolving Funds

REVOLVING FUND PROGRAM OR PURPOSE	DEPARTMENT RECEIPTS TO BE CREDITED TO FUND	REPRESENTATIVE OR BOARD ENTITY AUTHORIZED TO SPEND
<i>Plumbing Inspector</i> to pay costs of plan review, engineering services and related expenses for permitting and inspection of plumbing systems and installations	Fees for permits and inspections	Town Treasurer
<i>Gas Inspector</i> to pay costs of plan review, engineering services and related expenses for permitting and inspection of gas systems and installations	Fees for permits and inspections	Town Treasurer
<i>Electrical Inspector</i> to pay costs of plan review, engineering services and related expenses for permitting and inspection of electrical systems and installations	Fees for permits and inspections	Town Treasurer
<i>Fire Safety Inspector</i> to pay costs of plan review, engineering services and related expenses for fire safety inspections	Fees for reviews, permits, and inspections	Town Treasurer
<i>Board of Health</i> to pay costs of plan review, engineering services and related expenses for inspection and permitting of septic systems, food establishments, housing, and other properties and establishments subject to Board of Health jurisdiction	Fees for reviews, permits, and inspections	Town Treasurer
<i>Senior Transportation</i> to pay costs associated the provision of transportation of seniors to various programs	Fees and other receipts received in connection with the transport of seniors	Town Treasurer
<i>Senior Center Programming</i> to pay for various recreation programs provided at the Senior Center	Fees and other receipts received in connection with programs offered to seniors	Town Treasurer

<i>Tax Title Fees</i> to pay for costs arising from title review registry recording, attorney fees, and related expenses	Fees and other receipts collected in connection with tax title processing	Town Treasurer
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§2-7. Procedures and Reports. Except as provided in General Laws Chapter 44, §53E½ and this by-law, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established and authorized by this by-law.

And, further, to establish the following fiscal year spending limit for such funds:

Authorized Revolving Funds	Fiscal Year Expenditure Limit
Plumbing Inspector	\$25,000
Gas Inspector	\$20,000
Electrical Inspector	\$20,000
Fire Safety Inspector	\$20,000
Board of Health	\$25,000
Senior Transportation	\$15,000
Senior Center Programming	\$10,000
Tax Title Fees	\$10,000

Or take any other action relative thereto.

ARTICLE 19: To see if the Town will vote to raise and appropriate or transfer from available funds \$55,000 to purchase and equip a Pick-up Truck, plus two additional plows for the Highway Department, or take any other action relative thereto.

ARTICLE 20: To see if the Town will vote to raise and appropriate or transfer from available funds \$44,000 to purchase and equip a cruiser for the Police Department, or take any other action relative thereto.

ARTICLE 21: To see if the Town will vote to raise and appropriate or transfer from available funds \$25,000 for guardrail replacements, including any incidental and related costs, or take any other action relative thereto.

ARTICLE 22: To see if the Town will vote to transfer from available funds \$312,000 into the Fire Truck Stabilization Fund, or take any other action relative thereto.

ARTICLE 23: To see if the Town will vote to transfer from the Solid Waste Enterprise Fund Retained Earnings Account, \$15,000 for engineering and repairs to the capped landfill, Including any incidental and related costs, or take any other action relative thereto.

ARTICLE 24: To see if the Town will vote to authorize the Board of Selectmen to enter into a Tax Agreement pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, and/or any other enabling authority with Renewable Energy Massachusetts, LLC for personal property taxes associated with the 5 MW solar photovoltaic facility located on the property on County Road, Map 36, Block 1, Lot 17, in Sheffield, and described in a deed recorded with the Berkshire County Registry of Deeds in Book 1390, Page 7, for a term of up to 20 years, on such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town, and to take any and all actions as may be necessary or convenient to accomplish the purpose of this article; or take any other action relative thereto.

ARTICLE 25: (Citizen’s Petition) To see if the Town will vote to amend the Zoning By-Laws as follows, or take any other action relative thereto:

1. Add the following new Section 3.1.6 Temporary Moratorium on Aviation Landing Facilities

Section 3.1.6 Temporary Moratorium on Aviation Landing Facilities.

3.1.6.1 Purpose

In May 2016, the Mass Appeals Court overturned the lower court’s decision in *Hanlon v. Town of Sheffield* and ruled municipal zoning by-laws dealing with aviation landing facilities must be approved by the Aeronautics Division of the Mass Department of Transportation. This ruling covers both aviation landing areas listed in Sheffield’s Table of Use Regulations (E.1 Commercial Airfield) as well as aviation uses not expressly permitted or listed in our Table of Use Regulations, uses which are prohibited.

When Sheffield adopted its zoning by-laws in 1994 and re-codified them in 2006, the Attorney General’s Municipal Law Unit, which reviews all zoning by-laws approved by voters, made no note that Sheffield’s treatment of any aviation landing facility required approval by the Aeronautics Division, even though the applicable portion of MGL C. 90§39B was passed in 1985. The current approval process required by the Aeronautics Division was not listed on their official website, nor any sample zoning by-laws or guidance, as of the writing of this petition. Instead all zoning by-laws are to be sent to them for review. The Appeals Court decision noted the judges “being confronted with (the) statutory language” (of MGL C.90 §39B) and that “this is an appropriate subject for corrective legislation”.

This recent Appeals Court decision raises new and potentially complex planning, public safety and legal issues and the Town needs time to study and consider the process, as well as the language, of possible zoning by-laws, which now require approval by the Aeronautics Division and address such issues.

The Town intends to adopt a temporary moratorium on any additional use of land and structures in the Town for any new aviation landing facility, as well as the expansion of any existing aviation landing facility, so as to allow the Town sufficient time to engage in a planning process to address the effects of such uses in Town and to enact zoning by-laws in a manner consistent with sound land use planning and Aeronautics Division acceptance.

3.1.6.2 Definition. As used in this Section, the following term shall have the meaning indicated:

Aviation Landing Facilities: Landing facilities as defined by MGL C.90 §39B and Mass Appeals Court *Hanlon v. Town of Sheffield* decision.

3.1.6.2 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Town of Sheffield zoning by-laws to the contrary, the Town hereby adopts a temporary moratorium on any additional use of land and structures in the Town for any new aviation landing facility, as well as the expansion of any existing aviation landing facility. The moratorium shall be in effect through June 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impact of aviation landing facilities, work with the Aeronautic Division to understand their process and guidelines, and shall consider adopting new zoning by-laws to address the impact and operation of aviation landing facilities.



You are also directed to notify and warn the inhabitants of the Town of Sheffield, qualified to vote in Town elections, to meet in the Senior Center on 25 Cook Road in Sheffield on Monday, May 8, 2017 at 7:00 AM then and there to bring in their votes for the election of the following Town officers:

- | | |
|-------------------------------------|--|
| One Moderator for one year | One Planning Board Member for one year |
| One Library Trustee for three years | One Planning Board members for three years |
| One Selectman for three years | |

All of said officers to be voted for on the official ballots furnished at the polls. The polls will be opened at 7:00 AM and closed at 7:00 PM.


You are directed to serve this Warrant by posting an attested copy in seven public places in the

Town, not less than seven days before the date of said meeting.

Hereof I fail not, and make return of this Warrant to the Town Clerk, with your doings thereon, at or before the time of said meeting.

Given under our hands and the Seal of the Town of Sheffield this 14th day of April in the year of our Lord Two Thousand and Seventeen.

BOARD OF SELECTMEN:



Nadine A. Hawver

David A. Smith, Jr.



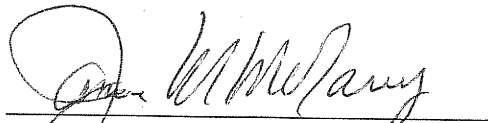
Andrew G. Petersen

In obedience to the within Warrant, I have notified and warned the inhabitants of the Town of Sheffield qualified to vote in Town or State Elections and Primaries by posting seven attested copies of said warrant in seven public places at least seven days prior to said election.

ATTEST:



TOWN CLERK



CONSTABLE

4/14/17

DATE